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SUBJECT: JUSTICE MINISTRY WELCOMES RULE OF LAW DIALOGUE,
CONSIDERS TRAFFICKING A RELATIVELY LIMITED PROBLEM

¶1. Summary: In a meeting February 27 with the Ministry of Justice, Ambassador expressed his desire to engage the Rwandan government on a range of important issues, including rule of law, democracy and governance. Secretary General Johnston Busingye welcomed the opportunity for further dialogue on these issues. He pointed out that while trafficking in persons is not a widespread problem in Rwanda, the GOR is looking at ways to address the situation, including focusing more on prosecution and detention and less on rehabilitation in the coming year. End summary.

¶2. In a meeting February 27 at the Ministry of Justice, Ambassador told Secretary General Johnston Busingye of his many discussions with the GOR on working cooperatively on a range of issues, including rule of law, democracy and governance. In recent weeks, he has engaged several senior officials, including the Special Envoy to the President for the Great Lakes Region, the Foreign Minister, the Supreme Court President, and the Police Commissioner General, on issues related to the judiciary, human rights, and supervision of police. He hoped that the GOR and USG could build on those initial meetings for further constructive dialogue. Busingye agreed on the need for further engagement and welcomed the idea.

¶3. In discussing the trafficking question, Ambassador informed Busingye that "trafficking," as specifically defined by the USG, includes prostitutes under the age of 18, whether they are trafficked across the border or by an organized criminal network within the country. He iterated his understanding from an earlier meeting with the Police Commissioner that prostitutes in Rwanda are not sent to prison or detention centers but are encouraged to be rehabilitated.

¶4. Busingye pointed out that prostitution is illegal under the Rwandan Penal Code, but that no one has been prosecuted and detained for prostitution in the last 12 years. He explained that since 1994 police and prosecutors have had greater latitude in making decisions on how to handle specific kinds of crime due to the heavy caseload of genocide-related crime. He noted that the GOR, in coordination with a consortium of NGOs, including Sharing Rwanda, has a very active program to rehabilitate prostitutes into respectable, responsible citizens and that it has succeeded in introducing many of them to a different way of life. Given the limited extent of prostitution, if the rehabilitation program succeeds, so much the better, he said. He acknowledged, however, that some prostitutes, despite rehabilitation efforts, will return to prostitution.

¶5. Up till now, the GOR has taken "the carrot" approach in its attempts to rehabilitate prostitutes, remarked Busingye.

In 2006, however, the GOR plans to adopt a more punitive approach, using "the stick" and asking prosecutors to pursue these cases. Currently, police round up prostitutes, write up the files, but then release them. Cases have not gone to court because prosecutors have decided not to prosecute due to the overburdened court system. Busingye said the focus has necessarily been on rehabilitation rather than prosecution and detention. In 2006, the GOR plans to focus not only on those who want to reform, but on repeat offenders. He emphasized that the judiciary should render judgments to serve not only as punishment but as a message.

¶6. When asked about houses of prostitution and organized leaders and rings, Busingye confirmed that to his knowledge none exist and that prostitution is very much an individual situation in Rwanda, without bosses taking a percentage of pay. He pointed out that if there were structured groups or organized networks, many prostitutes would simply refuse to seek an alternative lifestyle. He attributed an estimated 98 percent of prostitution to "a way of life" as the result of a disadvantaged upbringing, with little or no education, unwanted pregnancy, or lack of parental care and guidance. He observed that poverty and prostitution are intricately interlinked.

¶7. There are a range of alternative measures, ranging from preventive to punitive, to address the situation. Measures to prevent continued illicit activity by prostitutes include restraining orders to keep them at home and probation to closely monitor their activities. According to Busingye, punitive measures in the 1982 penal code include imprisonment of 3 months to one year and a fine of RwF 5,000 (approx. USD 9) for repeat offenders; imprisonment of three months to five years for those who entice others into prostitution; imprisonment of 6 months to 6 years and a fine of RwF 5,000 (approx. USD 9) for those who procure prostitutes; and imprisonment of one to five years for those who financially benefit from the proceeds.

¶8. Ambassador stressed that the USG takes trafficking in persons very seriously and hoped that Rwanda, within its capacity, would do its part to address the worldwide problem. He provided Busingye a draft copy of an anti-trafficking bill from an African country as an example of legislation the GOR may wish to consider. Busingye expressed appreciation and said the GOR would consider carefully the question of introducing similar legislation. He noted that all government bodies involved in the issue would need to carefully review the document and to reach consensus before any further action can be taken. He encouraged Embassy to also share copies of the anti-trafficking bill with other relevant GOR ministries. (Comment: Embassy will do so. End comment.)

¶9. While the Ministry of Justice, Ministry of Gender, and Ministry of Internal Security are the government agencies formally involved in the issue of prostitution, local leaders are also mandated to mobilize resources to combat prostitution and to strengthen women's education. Busingye said that the GOR has not yet designated a lead agency on this issue, but that the police have been the most active in rounding up prostitutes and the Ministry of Internal Security has generally taken the lead. In addition, he noted that a parliamentary women's forum established in early 2005 and chaired by parliamentarian Judith Kanakuze has been very active in strengthening girls' education, taking actions against prostitution, domestic violence, and rape, and exerting pressure at the local level. Last year, it held a meeting with international organizations to discuss domestic violence and other issues affecting women. This year, it plans to work with the Ministry of Justice on updating the penal code.

¶10. On an unrelated note, when asked about the volume and pace of gacaca cases to be tried in the conventional court system this year, Busingye observed that the number of cases processed in Rwanda's court system has more than doubled since last year. However, there is still a large number of

genocide-related cases. He said that the Ministry may have to recategorize Category I cases (the most serious category of genocide-related crimes) or increase the number of judges to avoid overburdening the judiciary if it determines that the genocide caseload is too high. He estimated that the current total caseload is 47,000 pending cases, including non-genocide related cases. In response to a query from the Ambassador, Busingye confirmed that Rwanda's Constitution grants the President ultimate authority to pardon prisoners, upon recommendation of the Ministry of Justice and in consultation with the Cabinet.

¶11. Comment: Widespread poverty in Rwanda's socio-economic fabric has been identified as a significant contributing factor in incidents of prostitution; however, trafficking in persons remains a discrete, individualized problem with no reported connections to organized crime or networks. The GOR acknowledges that its focus on rehabilitation of prostitutes may not have been fully successful and is prepared to take a harder, broader approach to the problem through prosecution and detention of traffickers and repeat offenders.

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